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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,244	08/17/2001	Josh R. Roberts	01-020 CIP	5100

7590 11/25/2003
Cohen & Grigsby, P.C.
15th Floor
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Pittsburgh, PA 15222

EXAMINER

BARAN, MARY C

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,244

Applicant(s)

ROBERTS, JOSH R.

Examiner

Mary Kate B Baran

Art Unit

2857

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,10,13,15,16,21 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,10,13,15,16,21 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The action is responsive to the Amendment filed on 20 August 2003. Claims 1, 5, 9, 10, 13, 15, 16, 21 and 28 are pending. Claims 1, 5, 9, 10, 13, 15, 16 and 21 have been amended. Claim 28 is new.
2. The amendments filed on 22 July 2003 are sufficient to overcome the prior drawing and specification objections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is directed to a sensing unit; however, claim 1, from which claim 10 depends, refers to a system for processing information and not to a sensing unit.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 10, 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al. (U.S. Patent No. 6,437,692) (hereinafter Petite) in view of Chou (U.S. Patent No. 6,327,533).

Referring to claims 1, 9 and 28, Petite teaches a system for processing information which is remotely accessible for computerized monitoring, management and control of a condition (see Petite, column 1 lines 25-31), comprising: at least one sensing device that detects said condition to provide a corresponding electrical signal representative of said condition (see Petite, column 5 lines 20-25), a data collector that processes said electrical signal to provide data relating to said condition (see Petite, column 6 lines 38-44), a transmitter that transmits said data over a communication link (see Petite, column 6 lines 15-20), and a computer system that manages the remote gathering, transmission, processing, storage, access, presentation and use of said data (see Petite, column 7 lines 39-47); wherein said computer system comprises a server which processes said data for storage in a database and provides access to said database for retrieval (see Petite, column 12 lines 15-23) and use of said data in making determinations related to the detected condition (see Petite, column 9 line 58 – column 10 line 2 and column 10 lines 22-30); wherein said server remotely hosts hardware and software for managing and maintaining said database and is accessible by users over said communication link (see Petite, column 7 lines 39-57); wherein said users comprise customers and wherein said server provides data processing for said customers to allow gathering, transmission, processing, storage, access, receipt and

use of data related to services provided to said customer (see Petite, column 9 line 58 – column 10 line 2 and column 10 lines 22-30) over the internet (see Petite, column 12 lines 15-23); wherein multiple data types and multiple server functions exist for a single customer corresponding to multiple services provided to said customers such that said data types and server functions are modifiable for different services (see Petite, column 11 line 33 – column 12 line 23); wherein more than one customer accesses said server for receipt of information of said customer (see Petite, column 13 lines 8-30 and column 12 lines 15-23); and wherein a single customer accesses said server for receipt of information of said customer (see Petite, column 13 lines 8-30 and column 12 lines 15-23). Petite does not specify service providers.

Chou specifies multiple service providers and multiple users with access to the multiple service providers (see Chou, column 9 lines 21-46 and column 10 lines 3-48).

It would have been obvious to one of ordinary skill in the art to modify Petite to include the teachings of Chou because service providers would have allowed the skilled artisan to connect to a network (see Chou, column 10 lines 7-9).

Referring to claim 10, Petite discloses a receiver for processing a request for information over the communication link (see Petite, column 7 lines 6-12).

Referring to claim 16, Petite discloses a communication link comprising a wireless link (see Petite, column 7 lines 58-67).

5. Claims 13, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al. (U.S. Patent No. 6,437,692) (hereinafter Petite) in view of Chou (U.S. Patent No. 6,327,533 and in further view of Su (U.S. Patent No. (U.S. 6,052,066).

Referring to claim 15, Petite and Chou teach all the features of the claimed invention except for a sensing device comprising at least one of, a pressure sensing device or a moisture meter.

Su teaches a sensing device comprising a moisture meter (see Su, column 7 lines 26-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petite to include the teachings of Su because moisture sensors would have allowed the skilled artisan to detect potential moisture problems (see Su, column 7 lines 26-36).

Referring to claims 13 and 21, Petite and Chou teach all the features of the claimed invention. Petite further teaches a database accessible by a server which stores said detection data (see Petite, column 12 lines 15-23); however, neither Petite nor Chou teach a sensor unit which generates physical characteristic data in connection with at least one of a pest or a bait or an environmental condition, said data collector receives said physical characteristic data for transmission over said communication link, and a computer system comprises a server that processes said transmitted physical characteristic data to provide detection data.

Su teaches a sensor unit which generates physical characteristic data in connection with at least one of a pest or a bait or an environmental condition (see Su, column 3 lines 14-17), said data collector receives said physical characteristic data for transmission over said communication link (see Su, column 4 lines 57-67), and a computer system comprises a server that processes said transmitted physical characteristic data to provide detection data (see Su, column 4 lines 12-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petite and Chou to include the teachings of Su, because gathering data pertaining to pests would have allowed the skilled artisan to monitor population and detect activity (see Su, column 3 lines 27-29).

Response to Arguments

6. Applicant's arguments filed 20 August 2003 have been fully considered but they are not persuasive.

Applicant argues that a service provider is not taught by the prior art. Petite does teach a WAN, or specifically the Internet, which is used to monitor, store and present the data to multiple users (see Petite, column 7 lines 41-47). Petite also discloses a TCP/IP (see Petite, column 6 lines 20-23), which is assigned by an ISP, as is well known in the art. However, despite the suggestion of a service provider, the Examiner concedes that the language "service provider" is not specified by Petite. Chou specifies multiple service providers and multiple users with access to the multiple service providers (see Chou, column 9 lines 21-46 and column 10 lines 3-48). And therefore, it

would have been obvious to modify Petite to include the teachings of Chou because service providers would have allowed the skilled artisan to connect to a network (see Chou, column 10 lines 7-9).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B Baran whose telephone number is (703) 305-4474. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (703) 308-1677. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

MKB


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800